

FARRIS, MATHEWS, GILMAN, BRANAN & HELLEN, P.L.C.

WILLIAM W. FARRIS
HARLAN MATHEWS
RONALD LEE GILMAN
HOMER BOYD BRANAN, III
TIM WADE HELLEN
EDWIN DEAN WHITE, III
CHARLES B. WELCH, JR.
G. RAY BRATTON
JOHN MICHAEL FARRIS
O. DOUGLAS SHIPMAN
D. EDWARD HARVEY
REBECCA PEARSON TUTTLE
EUGENE STONE FORRESTER, JR.

ATTORNEYS AT LAW

NASHVILLE CITY CENTER

511 UNION STREET, SUITE 2400

NASHVILLE, TENNESSEE 37219

FAX (615) 726-1776

PHONE (615) 726-1200

G. COBLE CAPERTON
DEDRICK BRITTENUM, JR.
BARRY F. WHITE
PAUL E. PERRY
BRIAN L. KUHN
GREGORY W. O'NEAL
STEVEN C. BRAMMER
RICHARD J. MYERS
HAROLD W. FONVILLE, II
FRED D. (TONY) THOMPSON, JR.
JANA LANE SOUTHERN
OF COUNSEL
HENRY H. HANCOCK

October 21, 1997

HAND DELIVERY

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: Universal Service Generic Contested Case
Docket No. 97-00888

Dear Mr. Waddell:

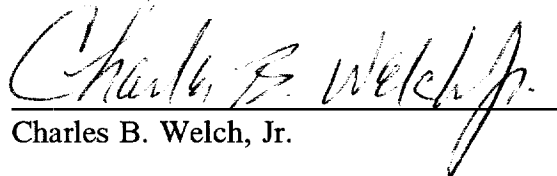
Enclosed for filing in the above-referenced case are the original and thirteen copies of the Comments of Time Warner Communications of the Mid-South, L.P. and the Tennessee Cable Telecommunications Association on Technical Conference Issues Presented October 14, 1997.

Copies are being served on counsel for known interested parties.

Very truly yours,

FARRIS, MATHEWS, GILMAN, BRANAN & HELLEN, P.L.C.

By:


Charles B. Welch, Jr.

CBW,jr:lh

c:\cta\letters:waddell.889

cc: Val Sanford, Esq.
James P. Lamoreux, Esq.
Guy Hicks, Esq.
H. Ladon Baltimore, Esq.
Jon Hastings, Esq.
Carolyn Tatum Roddy, Esq.
Dana Shaffer, Esq.
Henry Walker, Esq.
L. Vincent Williams, Esq.
James B. Wright, Esq.
T. G. Pappas, Esq.
Richard M. Tettlebaum, Esq.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

OCT 21 1997 11:49

In Re:

**UNIVERSAL SERVICE GENERIC
CONTESTED CASE**

SECRETARY

**Docket No.
97-00888**

**COMMENTS OF TIME WARNER COMMUNICATIONS
OF THE MID-SOUTH, L.P. AND THE TENNESSEE CABLE
TELECOMMUNICATIONS ASSOCIATION ON TECHNICAL
CONFERENCE ISSUES PRESENTED OCTOBER 14, 1997**

Time Warner Communications of the Mid-South, L.P. ("Time Warner") and the Tennessee Cable Telecommunications Association ("TCTA") submit the following comments at the request of the Tennessee Regulatory Authority ("TRA") staff on specific issues presented at the Technical Conference held on October 14, 1997.

1. **New Issues.** Time Warner and the TCTA submit that New Issues 8d & e, 9a and f-k are appropriate for consideration in this proceeding and should be submitted to the TRA for decision. These parties submit that Issue 15 is inappropriate and should be deleted from the list of issues in this proceeding. Time Warner has previously recommended that the Universal Service and Access Charge Reform Dockets should proceed concurrently, but the dockets should be maintained distinctly separate. Possibly, it would be more convenient for the purpose of scheduling to recess the Universal Service Proceeding to conduct the hearing on Access Charge Reform at the appropriate time. (A similar procedure was employed in the AT&T/BellSouth Arbitration to determine avoidable costs for resale in making a final determination on the required wholesale discount rate.) If Access Charge Reform issues are blended into Phase II of

the Universal Service Proceeding, access charges could be artificially impacted as an accommodation to Universal Service cost demands. These issues should be decided separately on their own merits, much in the same manner as was done at the FCC.

2. **Settlement.** Time Warner and the TCTA believe that all or most of the issues in Items 1, 2, 3, 4, 5, 6, 10 and 12 could be settled by agreement between the parties prior to hearing. Any of these issues, or their subparts, remaining unresolved by agreement should be submitted for consideration on written comments or briefs as policy issues without the necessity of testimony. Issues No. 11 and 14 are likely to be contested, however, these issues and their subparts should be considered on briefs only without testimony, as they are policy and legal issues respectively.

3. **Contested Issues.** Issues No. 7, 8, 9 and 13 more than likely will be contested and will require expert testimony. Time Warner will be prepared to offer a witness through pre-filed direct and rebuttal testimony and will offer its witness for cross-examination at the hearing.

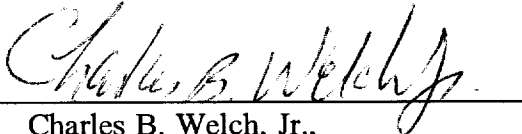
4. **Phase II Issues.** Time Warner and the TCTA are satisfied that Phase II issues have been satisfactory identified, at least preliminarily. After the TRA enters its decision in Phase I, it will probably be necessary to reconsider these issues for expansion, additions or deletions as might be appropriate at that time. Time Warner and/or the TCTA will be prepared to deliver their response to Issue 16 on or before November 14, 1997.

5. **Phase I and II Scheduling.** Time Warner and the TCTA believe that the proposed schedules for Phase I and Phase II are reasonable assuming it is necessary for final orders to be entered in this docket by May 5, 1998. Since the TRA has made its determination that it is impossible to comply with the February 6, 1998 FCC deadline for submitting a

Tennessee specific cost model, it would seem that the interest of the parties and the consumers of this State would be better served by extending the time for completion of the process, if necessary, to allow for ample opportunity to develop a compromised consensus among the parties.

6. **Access Charge Reform Issues.** Time Warner and the TCTA will be prepared to submit a list of Access Charge Reform Issues to be considered in conjunction with Phase II Issues by November 14, 1997, if the TRA ultimately decides it is appropriate to blend consideration of these issues. (See remarks in Paragraph 1 of these comments).

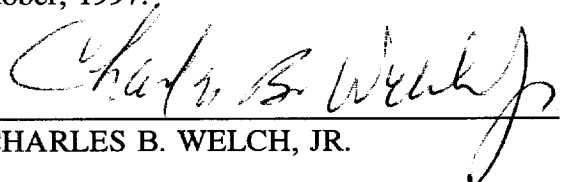
Respectfully submitted,
**FARRIS, MATHEWS, GILMAN,
BRANAN & HELLEN, P.L.C.**

By: 

Charles B. Welch, Jr.,
Attorney for Time Warner Communications, L.P.
and The Tennessee Cable Telecommunications
Association
Nashville City Center
511 Union Street, Suite 2400
Nashville, Tennessee 37219
Telephone: (615) 726-1200
Facsimile: (615) 726-1776

CERTIFICATE OF SERVICE

I, Charles B. Welch, Jr., hereby certify that I have served a copy of the foregoing Comments of Time Warner Communications of the Mid-South, L.P. and the Tennessee Cable Telecommunications Association on Technical Conference Issues Presented October 14, 1997 to the interested parties on the attached list by depositing copy of same in the U. S. Mail, postage prepaid, or by hand-delivery this the 21st day of October, 1997.


CHARLES B. WELCH, JR.

Service List - Universal Service
Docket No. 97-0888

Dan H. Elrod
Kenneth M. Bryant
Attorneys for GTE Mobilnet
Trabue, Sturdivant & DeWitt
511 Union Street, 25th Floor
Nashville, TN 37219

Henry Walker
Attorney for American Communications
Services, Inc. and NEXTLINK
Boult, Cummings, Connors & Berry
P. O. Box 198062
Nashville, TN 37219-8062

Ozle Allen
Tennessee Co-Ops
2755 Short Mountain Road
McMinnville, TN 37110

Michael McRae
Telecommunications Group, Inc.
2 Lafayette Centre
1133 21st Street, NW, Suite 400
Washington, DC 20036

Archie Hickerson
Consumer Advocate
2nd Floor, Cordell Hull Bldg.
425 Fifth Avenue, North
Nashville, TN 37219

Carolyn Tatum Roddy
Attorney for Sprint
Sprint Communicaitons, Co., L.P.
3100 Cumberland Circle - N0802
Atlanta, Georgia 30339

Henry Walker
Attorney for ACSI
Boult, Cummings, Connors & Berry
P. O. Box 198062
Nashville, TN 37219

Ellen Bryson
Bledsoe Telephone Coop.
5030 Hodgkins Raod
Lilburn, GA 30047

Fred L. Terry, General Manager
Highland Telephone Cooperative, Inc.
P. O. Box 119
Sunbright, TN 37872

James B. Wright
United Telephone-SE
14111Capitol Blvd.
Wake Forrest, NC 27587

Pam Melton
Attorney for LCI
8180 Greensboro Drive
Suite 800
McLean, VA 22102

Val Sanford
Attorney for AT&T
P. O. Box 198888
Nashville, TN 37219-8888

Wayne Gassaway, Manager
DeKalb Telephone Cooperative
P. O. Box 247
Alexandria, TN 37012

Glen B. Sears, General Manager
West Kentucky Rural Telephone Coop.
237 North 8th Street
Mayfield, KY 42066

L. Vince Williams
Office of the Attorney General
Consumer Advocate Division
426 Fifth Ave. N., 2nd Fl.
Nashville, TN 37243-0500

H. Ladon Baltimore
Attorney for WorldCom
Farrar & Bates, L.L.P.
211 Seventh Avenue North, Suite 320
Nashville, TN 37219-1823

P. Thomas Rowland, Manager
North Central Telephone Cooperative
P. O. Box 70
Lafayette, TN 37083-0070

W. T. Sims, Manager
Yorkville Telephone Cooperative
P. O. Box 8
Yorkville, TN 38389

Richard Cys
Davis Wright Tremain (NEXTLINK)
1155 Connecticut Avenue NW
Suite 700
Washington, DC 20036

Richard Smith, President
Standard Communications Company
302 Sunset Drive
Suite 101
Johnson City, TN 37604

T. G. Pappas
Coalition of Small LEC & Coops.
Bass, Berry & Sims
2700 First American Center
313 Deaderick Street
Nashville, TN 37238-2700

Richard M. Tettlebaum
Citizens Telecommunications Co.
Suite 500
1400 16th Street, N.W.
Washington, DC 30036

James P. Lamoreux
AT&T
Room 4068
1200 Peachtree Street N.E.
Atlanta, GA 30309

James M. Dempster
Ben Lamond Rural Telephone Coop., Inc.
P. O. Box 332
McMinnville, TN 37111-0332

William Ellenburg & Bennett Ross
BellSouth
675 West Peachtree Street, NE
Suite 4300
Atlanta, GA 30375

Daniel M. Waggoner
Davis Wright Tremain (NEXTLINK)
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

Jon Hastings
Attorney for MCI
Boulton, Cummings, Connors & Berry
P. O. Box 198062
414 Union Street, Suite 1600
Nashville, TN 37215

Thomas J. Curran
Director External Affairs
360° Communications Company
8725 W. Higgins Road
Chicago, IL 30613

Nanette Edwards
Regulatory Affairs Manager
DeltaCom
700 Blvd. South, Suite 101
Huntsville, AL 35802

Proctor Upchurch
Attorney for Bledsoe Telephone Coop.
P. O. Box 3549
Woodmere Mall
Crossville, TN 38557-3549

Jack McFadden, Director
Dept. Finance & Administration
Telecommunications Policy & Planning
598 James Robertsno Parkway
Nashville, TN 37243-0560

Bryan Mcarty
Attorney for TEA Legal Services
801 Second Avenue North
Nashville, TN 39201-1099

Joe Reeves
WorldCom and LCI
Suite 320
211 Seventh Avenue North
Nashville, TN 37219

Gif Thornton, Jr.
Attorney for BellSouth Cellular Cpr.
Stokes & Bartholomew
424 Church Street, Suite 2800
Nashville, TN 37219-2386

Sheila Davis
Chaz Taylor, Inc.
3401 West End Avenue
Suite 318
Nashville, TN 37203

Robert D. Dudney
General Manager
Twin Lakes Telephone Coop. Corp.
P. O. Box 67
Gainesboro, TN 38562

Mark Pasko
Swindler & Berlin
Attorney for AVR d/b/a Hyperion of TN
3000 K Street NW, Suite 300
Washington, DC 2007-5116

Dr. Peggy Smith
Chairman Tennessee EdLinc
801 Second Avenue North
Nashville, TN 37201

Dana Shaffer
NEXTLINK Tennessee
105 Malloy Street, Suite 300
Nashville, TN 37201

John Hayworth
Coalition of Small LEC's & Coops.
2700 First American Center
Nashville, TN 37201

Michael Romano
Attorney for AVR d/b/a Hyperion of TN
3000 K Street, NW, Suite 300
Washington, DC 20007-5116

Phillip Carver
BellSouth Telecommunications
675 West Peachtree Street
Atlanta, GA 30375

Guy M. Hicks
BellSouth Telecommunications
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300

William C. Carriger
Electric Power Board Of Chattanooga
400 Krystal Bldg., One Union Square
Chattanooga, TN 37402-2514

Denise Newman
Phoenix Network, Inc.
1687 Cole Blvd.
Goden, CO 80401

Amy Bearman or Jacqueline Shrago
Tennessee Dept. Of Education
6th Floor, Gateway Plaza
710 James Robertson Parkway
Nashville, TN 37243-0560

D. Billye Sanders
Attorney for TCG MidSouth, Inc.
Waller, Landsden, Dortch & Davis
P. O. Bx 198966
Nashville, TN 37219-6866

Michey Henry
MCI
Johnson Ferry Road
Atlanta, GA 30342

Carlos C. Smith
William C. Carriger
Mark W. Smith
Attorneys for Tennessee Municipal
Telecommunications Group
Strang, Fletcher, Carriger, Walker,
Hodge & Smith, PLLC
400 Krystal Building
One Union Square
Chattanooga, TN 37402

Dana Frix, Esquire
Swidler & Berlin
3000 K Stret, NW #300
Washington, DC 20007

TCG MidSouth, Inc.